

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

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In Re:

RACHEL N SIMPSON

Debtor(s)

NOTICE OF MOTION AND MOTION  
FOR DISMISSAL OR CONVERSION

Case No. - BKY 20-41496 MER  
Chapter 13

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TO: All parties in interest under LOCAL RULE 9013-3.

1. Gregory A. Burrell, (the "Trustee"), moves the Court for the relief requested below and gives notice of hearing.
2. The Court will hold a hearing on this motion at 10:30 a.m., or as soon thereafter as counsel may be heard, on **Thursday, May 6, 2021**, in U.S. Bankruptcy Court, Courtroom 7 West, Seventh Floor, United States Courthouse, 300 South Fourth Street, Minneapolis, Minnesota.
3. Any response to this motion must be filed and served not later than Friday, April 30, 2021, which is five days before the time set for the hearing (including Saturdays, Sundays, and holidays). ***Unless a response opposing the motion is timely filed, the court may grant the motion without a hearing.***
4. The Court has jurisdiction of this motion pursuant to 28 U.S.C. §§157 and 1334, Fed. R. Bankr. P. 5005 and Local Rule 1070-1. This proceeding is a core proceeding. This motion arises under 11 U.S.C. §1307 and Fed. R. Bankr. P. 1017. This motion is filed under Fed. R. Bankr. P. 9013 and Local Rule 9013-1 *et seq.* The petition commencing this chapter 13 case was filed on 6/ 2/20. The case is now pending in this Court.
5. If testimony is necessary as to any facts relevant to this motion, Dawn Kassa, Chapter 13 Trustee's Office, 100 South Fifth Street, Suite 480, Minneapolis, Minnesota, will testify on behalf of the Trustee.
6. The Trustee requests that this case be dismissed or converted to a Chapter 7 case because Debtor(s) failed to make payments to Trustee thereby creating current defaults or arrearages on plan payments of \$8500.00 as of April 7, 2021. The last payment credited to the Debtor(s)' account was on 3/9/2021. Total payments of \$34731.33 have been made to date hereof. Required monthly payments are currently \$330.00.

**The April, 2021 payment is not included in the listed default amount. Any payment less than the amount required to bring the plan current will not prevent dismissal of this case.**

**All payments to cure plan arrears must be made with a cashiers check or money order and sent to: Gregory A. Burrell; PO Box 860026; Minneapolis, MN 55486-0026. Do not send payments to the trustee's office.**

**NO PERSONAL CHECKS WILL BE ACCEPTED.**

**WHEREFORE**, the Trustee requests an order granting the relief prayed for herein.

**Gregory A. Burrell, Trustee**

Dated: April 7, 2021

/e/ Jeffrey M. Bruzek  
Jeffrey M. Bruzek #319260  
Heather M. Forrest #0398764  
Counsel for Chapter 13 Trustee  
100 South Fifth Street, Suite 480  
Minneapolis, MN 55402  
(612) 338-7591

**VERIFICATION**

I, Dawn Kassa, an employee of the Trustee, declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge, information and belief.

Dated: April 7, 2021

/e/ Dawn Kassa  
Dawn Kassa  
Chapter 13 Office

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

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In Re:

RACHEL N SIMPSON

Debtor(s)

UNSWORN DECLARATION OF  
PROOF OF SERVICE

Case No. - BKY 20-41496 MER  
Chapter 13

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I, Dawn Kassa, declare that on the date stated below I served a copy of the Notice of Motion and Motion for Dismissal or Conversion and Unsworn Declaration of Proof of Service, upon each of the entities named below in the manner described, as follows:

**Copy to Debtor(s) addressed to:**

RACHEL N SIMPSON  
5025 SHERIDAN AVENUE SOUTH  
MINNEAPOLIS, MN 55410-

**Additional Copy(s) by electronic mail or by first class U.S. mail postage prepaid addressed to:**

Shapiro & Zielke, LLP  
12550 West Frontage Road, Suite 200  
Burnsville MN 55337-

and I declare, under penalty of perjury, that the foregoing is true and correct.

Dated: April 7, 2021

/e/ Dawn Kassa  
Dawn Kassa  
Chapter 13 Office